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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,460	06/11/2002	Francis Pruche	2365-35	3379

23117 7590 09/21/2005

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EXAMINER	
LAMM, MARINA	
ART UNIT	**PAPER NUMBER**
1616	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/069,460	PRUCHE ET AL.	
	Examiner	Art Unit	
	Marina Lamm	1616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/8/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Acknowledgment is made of the amendment filed 7/7/05. Claims pending are 1-15 and 17-19. Claims 1, 13 and 14 have been amended.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. (US 6,341,831) in view of Weber et al. (US 6,286,517), of record.

Weber et al.'831 teach skin decoration apparatus and method of decorating human skin by applying on the skin multicolored designs using ink jet printing technology. See Abstract; Figures. Multiple biocompatible inks or dyes are carried from their respective reservoirs and sprayed onto the skin from multiple electronically controlled nozzles, thus allowing a predetermined image or pattern to be placed on any part of the human body. See Abstract; col. 6, lines 32-48; col. 7, lines 1-11; Claims 7, 9. Weber et al. teach using rapid-drying inks in a volatile solvent. See col. 6, line 59. Water-soluble inks may be used for making test decorations which can be evaluated and washed-off. See col. 6, lines 44-46. Weber et al. teach using Wirejet™ technology. See col. 2, lines 48-56. The designs of Weber et al. can be stored in an electronic control system, viewed and selected by the user prior to the application. See col. 7, lines 5-11; Claim 9. Weber et al.'831 do not explicitly teach production of a simulated

image of the part to be treated with a chosen coloration or make up design viewed prior to applying as claimed herein. However, Weber et al.'517 teach a method of applying selected designs on nails, in which the nail image with the predicted decoration is first displayed on the screen. See Abstract; Figures 1A and 1B; col. 7, lines 35-44. If the user is not satisfied with the image, he/she may adjust the decoration scaling and alignment for the surface to be decorated using computer control panel (keybord and/or mouse). See col. 7, lines 45-50. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the decorating method of Weber et al.'831 such that to allow the user to preview the surface image with the predicted decoration on the computer screen. One having ordinary skill in the art would have been motivated to do this to allow the user to achieve the satisfactory decoration scaling and alignment as suggested by Weber et al.'517.

With respect to Claims 3 and 4, Weber et al. teach using Wirejet™ technology which has certain advantages over other ink jet technologies. See col. 2, lines 48-56. However, a drawback of the Wirejet™ technology is that it has limited resolution of 500 dpi. See col. 2, lines 56-60. Weber et al. also describes other conventional inkjet technologies such as thermal technology and piezoelectric technology. See col. 1, line 56 – col. 2, line 35. The advantages of the thermal technology include enhanced resolution up to 1200 dpi. See col. 2, lines 12-15. The advantages of piezo method include better control over the shape and size of ink droplet release and enhanced

resolution up to 1600 dpi. See col. 2, lines 25-37. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Weber et al. such that to use either thermal or piezo method. One having ordinary skill in the art would have been motivated to do this to obtain enhanced resolution as suggested by Weber et al. above. With respect to Claim 6, the reference does not explicitly teach the claimed concentration of at least one solvent. However, the determination of optimal or workable concentration of the solvent by routine experimentation is obvious absent showing of criticality of the claimed concentration. One having ordinary skill in the art would have been motivated to do this to obtain the desired intensity of the ink and/or rheology of the ink composition.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lamm whose telephone number is (571) 272-0618. The examiner can normally be reached on Mon-Fri from 11am to 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached at (571) 272-0887.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ml
9/18/05

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER